

ORIGINAL
FILE

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of the Secretary

In the Matter of

Amendment of Part 74 of
the Commission's Rules
and Regulations with
Regard to the Low Power
Television Service

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RM-7772

To: The Commission

COMMENTS OF ABACUS LPTV INVESTMENTS

Over a decade ago the Commission adopted a Notice of Proposed Rule Making in BC Docket No. 80-499, 45 Fed. Reg. 72902 (November 3, 1980), to utilize the radio spectrum more efficiently and satisfy the demand for additional television outlets (the "VHF drop-in" proposal). Although the proposal was expected to create a significant number of new VHF television allotments throughout the country, it withered and died because of Commission neglect.

In that same proceeding the Association Maximum Service Telecasters (AMST) filed a counter-proposal for a large number of new UHF television allotments which could fairly be characterized as "UHF drop-ins". Like the Commission's "VHF drop-in" proposal, AMST's UHF drop-in proposal also withered and died because of Commission neglect.

The common illness that afflicted these two spectrum efficiency revisions, according to the various representative

of established broadcasters, was that these proposals would cause harmful interference to viewers of existing stations outside of those station's protected contours. More cynical commentators suggested that the real problem was that these proposals would have increased competition to existing television licensees in the major markets.

One benefit that did result from the VHF drop-in proposal was that it served as a stalking-horse for the LPTV proposal considered during the same Commission agenda. Compared to the horror of hundreds of new full-power stations, permitting a few low power stations seemed harmless enough that little opposition arose. Since its birth the LPTV service has grown to almost a thousand small television stations, despite the crippling limitation of ten watts maximum transmitter power on VHF channels and one thousand watts maximum power on UHF channels.

The Community Broadcasters Association (CBA) Petition for Rule Making presents the Commission with a unique and long overdue opportunity to correct the spectrum waste that resulted from the decision to forego VHF and UHF drop-ins. The CBA petition proposes higher maximum transmitting power for the "Community Broadcast Service" while maintaining the secondary status of facilities not added to the Table of Television Allotments.

By maintaining the secondary status of this class of licensees the Commission will moot all of the arguments raised by the opponents of VHF and UHF drop-ins, be they interference or competition based. But, by adopting power limits up to the maximum Effective Radiated Power (ERP) of full-power broadcasters conditioned only on not causing interference to other licensees, the Commission would dramatically increase the efficiency with which both the VHF and UHF television bands are utilized.

The Commission has demonstrated over the last five years its willingness and ability to resolve interference complaints involving LPTV stations, including taking operating facilities off the air if necessary. The LPTV industry has demonstrated its willingness to invest money on the basis of "secondary" licenses and the usefulness to the public of the services delivered on these secondary authorizations. Having tested and proved both the viability and regulatory soundness of the LPTV service, it behooves the Commission to allow more use of the LPTV service by permitting power limits up to the full-power television maximum on a secondary, non-interference basis.

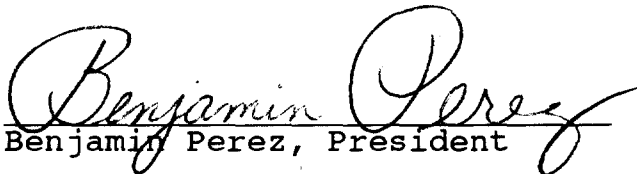
The remaining CBA proposals can, at worse, be described as innocuous. The CBA proposals might help an emerging industry and they certainly will not harm anyone. This

commentor is confident the Commission is much to sophisticated to be swayed by the anti-competitive comments of existing television service providers merely because their pleas for protection from competition are closed in claims of harm to an unknowing and stupid American public.

Protect the public by creating competition. Adopt the Community Broadcast Association's Petition for Rule Making.

Respectfully submitted,

ABACUS LPTV INVESTMENTS

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